

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHUCK MacCONNACH and WALTER
SCHMIDT, individually, and on behalf of all
others similarly situated

Plaintiffs,

-against-

FIRST FRANKLIN FINANCIAL
CORPORATION AND MERRILL LYNCH &
CO., INC., GLOBAL MARKETS AND
INVESTMENT BANKING GROUP,

Defendants.

Civil Action No. 08 CV 5141 (SAS)

ECF CASE

**DEFENDANTS RULE 7.1
STATEMENT**

In accordance with Rule 7.1(a) of the Federal Rules of Civil Procedure, the undersigned counsel for Defendants, non-governmental parties, represents that Defendant Merrill Lynch & Co., Inc., a publicly held corporation, directly or indirectly owns 10% of more of the securities of Defendant First Franklin Financial Corporation; (2) no other publicly held corporation owns 10% or more of the securities of First Franklin Financial Corporation; and (3) no publicly held corporation owns more than 10% of the stock of Merrill Lynch & Co., Inc.

Dated: July 31, 2008
New York, New York

Respectfully Submitted,

/s/

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Merrill Lynch & Co., Inc.